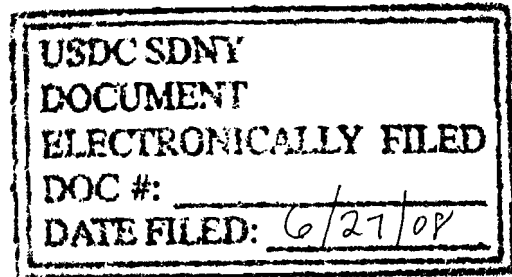


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----x
CHANDRICA NICOLE CLARKE,

Plaintiff,

- against -

SUPERINTENDENT CATHERINE A. COOK :
and CORRECTIONS OFFICER DAWN
BUTLER, S/H/A OFFICER BUTLER, :

Defendants. :

SCHEDULING ORDER

07 Civ. 8833 (RJH)(FM)

ORIGINAL

-----x
FRANK MAAS, United States Magistrate Judge.

Defendants, Catherine A. Cook, former Superintendent at Bayview
Correctional Facility ("Bayview") and Corrections Officer ("C.O.") Dawn Butler, s/h/a
Officer Butler, by their attorney, Andrew M. Cuomo, Attorney General of the State of
New York, respectfully submit the following proposed Scheduling Order:

1. Conference Date: June 27, 2008, 11:30 A.M. via telephone
Plaintiff: Chandrica Nicole Clarke, pro se
DIN #06G0560
Albion Correctional Facility
3595 State School Road
Albion, New York 14411-9399
(585) 589-5511

Defendants: Andrew M. Cuomo
Attorney General of the State of New York
120 Broadway, 24th floor
New York, New York 10271
By: AAG Donald Nowve
(212) 416-8227

2. Action for compensatory and punitive damages pursuant to 28 U.S.C. Section 1983 alleging civil rights violations arising out of use of force by defendant Butler and failure by former Bayview Superintendent Cook to take disciplinary action as a result of an incident at Bayview Correctional Facility on March 9, 2007. Defendants are employees of the State Department of Correctional Services ("DOCS"). Defendants Butler and Cook deny any wrongdoing.¹
3. Scheduling items:
 - a. Defendants shall depose plaintiff at a DOCS facility close to New York City upon Court order pursuant to Fed. R. Civ. P. 30(a)(2), and written notice to plaintiff.
 - b. Defendants **shall** make disclosures pursuant to Local Civil Rule 33.2 by August 5, 2008, and plaintiff **shall** respond to defendants' discovery demands on or before that date.
 - c. Plaintiff's expert disclosure pursuant to Fed. R. Civ. P. 26(a)(2) shall be made by September 12, 2008; defendant's disclosures by September 26, 2008
 - d. Telephone status conference on October 15, 2008, at 10 a.m.
 - e. Discovery should be completed by December 22, 2008.
4. Defendants oppose on the grounds of security plaintiff taking defendants' depositions upon oral examination pursuant to Fed. R. Civ. P. 30. Defendants do not object to plaintiff deposing defendants by means of interrogatories pursuant to Fed. R. Civ. P. 33 or by other means directed by the Court. Personal identifying information pertaining to defendants and/or other corrections personnel will be redacted from documents provided by Bayview and/or DOCS before they are produced to plaintiff.

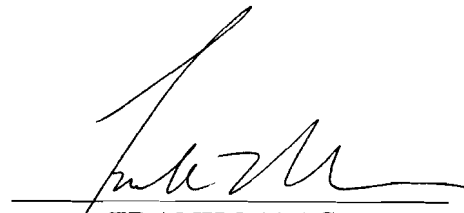
¹ Defendant Cook is presently Superintendent at Otisville Correctional Facility. Defendants filed an Answer to the complaint on May 30, 2008.

5. Defendants do not anticipate issues relating to electronically stored information.
6. As of this time there are no other discovery issues as to which the parties were unable to reach an agreement.
7. At this time, defendants do not anticipate offering expert testimony, and respectfully reserve their right to modify this response and provide expert disclosure in accordance with item 3(c), above.
8. The anticipated length of trial is three (3) days; both parties demand a trial by jury.
9. Defendants acknowledge that courtesy copies of all motion papers, marked as such, should be submitted to Chambers, even if the papers have been filed electronically.
10. The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference or when justice so requires.

Approved.

SO ORDERED.

Dated: New York, New York
June 27, 2008



FRANK MAAS
United States Magistrate Judge

Copies to:

The Honorable Richard J. Holwell
United States District Judge

Chandrica Nicole Clarke
#06-G-0560
Albion Correctional Facility
3595 State School Rd.
Albion, NY 14411

Donald Nowve, Esq.
Assistant Attorney General
Fax: (212) 416-6075